

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 22-11150-GG

IRA KLEIMAN,
as the Personal Representative of the
Estate of David Kleiman,

W&K INFO DEFENSE RESEARCH, LLC,

Plaintiff-Appellant,

Plaintiff,

versus

CRAIG WRIGHT,

Defendant-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

Before: JORDAN, JILL PRYOR, and GRANT, Circuit Judges.

BY THE COURT:

Appellee Craig Wright has filed a “Motion to Disqualify Roche Freedman LLP,” in which he alleges that attorney Kyle Roche has a disqualifying conflict of interest that is imputed to his law firm under Rule 1.10 of the American Bar Association’s Model Rules of Professional Conduct and the corresponding New York rule. Although the motion is not entirely clear, Wright apparently also seeks to have Roche disqualified individually based on alleged “conduct involving dishonesty, fraud, deceit, or misrepresentation” and “conduct that is prejudicial to the administration of justice,” in violation of Rule 8.4 of the New York Rules of Professional Conduct.

The motion is DENIED IN PART to the extent that it seeks disqualification of Kyle Roche individually. Roche is not a member of this Court's bar, has not applied to appear pro hac vice in this Court, and has not filed a notice of appearance in this appeal. Under the Federal Rules of Appellate Procedure and this Court's Rules, therefore, Roche is not permitted to practice before the Court or to participate in the appeal. *See Fed. R. App. P. 46; 11th Cir. R. 46-1, 46-4, 46-5; see also 11th Cir. R. 46-9 and Addendum Eight (Rules governing the conduct and discipline of attorneys admitted to practice before this Court).* The appellee may renew its motion if Roche is admitted to practice before this Court or given leave to participate in the appeal.

The motion to disqualify Roche Freedman LLP based on Roche's alleged conflict of interest is HELD IN ABEYANCE. Attorney Devin (Velvel) Freedman is instructed to file, within 14 days after the entry of this order, a signed and verified declaration on behalf of himself and Roche Freedman LLP informing the Court:

Whether any person or entity other than those listed in the appellant's Certificate of Interested Persons, including any partner in Roche Freedman LLP, has an interest in the outcome of this appeal;

Whether Appellant Ira Kleiman, as personal representative of the Estate of David Kleiman, has been informed of the alleged conflict of interest discussed in the appellee's motion; and if so,

Whether the requirements of Rule 1.7(b) of the ABA Model Rules of Professional Conduct are satisfied.